

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

DARRYL O. STRICKLAND, SR.,

Plaintiff,

v.

LOS ANGELES SOUTHWEST POLICE  
DEPARTMENT, et al.,

Defendants.

No. CV 10-2973-SJO (PLA)

**ORDER ADOPTING MAGISTRATE  
JUDGE'S AMENDED REPORT AND  
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the entire file de novo, including the magistrate judge's amended report and recommendation, and plaintiff's objections filed herein. The Court agrees with the recommendations of the magistrate judge.

ACCORDINGLY, IT IS ORDERED:

1. The amended report and recommendation is adopted.
2. Plaintiff's "Motion to Dismiss, Motion of Removal of Action" is denied.
3. Defendant's motion to dismiss is granted as follows:
  - a. plaintiff's federal claims apart from his claims alleging the excessive use of force are dismissed without leave to amend but without prejudice as barred by Heck;
  - b. plaintiff's federal claims alleging the excessive use of force are dismissed with leave to amend;

1 c. plaintiff's claims for injunctive relief are dismissed without leave to amend;  
2 d. plaintiff's state-law claims are dismissed with leave to amend to allege compliance  
3 with the California Tort Claims Act.

4 4. Plaintiff is ordered, if he still desires to pursue this action, to file a Second Amended  
5 Complaint within 20 days of the date of this Order setting forth his claims alleging  
6 the excessive use of force and any state-law claims that he alleges are not barred  
7 for failure to comply with the provisions of the California Tort Claims Act.

8 5. The clerk shall serve this order on all counsel or parties of record.

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10 DATED: September 9, 2010

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HONORABLE S. JAMES OTERO  
12 UNITED STATES DISTRICT JUDGE  
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